



STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY

Northwest Regional Office • 3190 160th Avenue SE • Bellevue, Washington 98008-5452 • (425) 649-7000

September 16, 2009

**CERTIFIED MAIL**

**7009 1410 0002 4050 6546**

U.S. Army Corps of Engineers, Seattle District  
PO Box 3755  
Seattle, WA 98124

**RE:** Requested Amendment to Administrative Order #5711 for U.S. Army Corps of Engineers Reference #PL-08-10, Galli's Levee Rehabilitation, Green River, King County, Washington

Dear Sir or Madam:

Enclosed is an amendment to the Water Quality Certification issued on July 8, 2008, for the above project.

The purpose of this amendment is to respond to the September 8, 2009 e-mail from Andrea Cummins, requesting a change to Condition F2 in order to allow work to continue through October 15th.

If you have any questions, please contact Rebekah Padgett at (425) 649-7129. The enclosed Amendment may be appealed by following the procedures described in the Amendment.

Sincerely,

Erik Stockdale, Unit Supervisor  
Shorelands and Environmental Assistance Program/Northwest Regional Office

ES:rrp:cja

cc: Andrea Cummins, U.S. Army Corps of Engineers  
Larry Fisher, Washington Department of Fish and Wildlife  
David Brock, Washington Department of Fish and Wildlife  
Phyllis Meyers, NOAA Fisheries  
Jeff Dixon, City of Auburn  
Martin Fox, Muckleshoot Indian Tribe  
Karen Walter, Muckleshoot Indian Tribe  
Dennis Clark, WRIA 9 Salmon Habitat Recovery Team  
e-cc: David Pater – NWRO  
Raman Iyer – NWRO  
Loree' Randall – HQ



**STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY**

<b>IN THE MATTER OF GRANTING</b>	)	<b>ORDER #5711 First Amendment</b>
<b>A WATER QUALITY</b>	)	<b>U.S. Army Corps of Engineers</b>
<b>CERTIFICATION TO</b>	)	<b>#PL-08-10</b>
<b>U.S. Army Corps of Engineers,</b>	)	Galli's Levee Rehabilitation; Green River,
<b>Seattle District</b>	)	Auburn, King County, Washington.

TO: U.S. Army Corps of Engineers, Seattle District  
PO Box 3755  
Seattle, WA 98124

As requested on September 8, 2009, the Department of Ecology (Ecology) is amending the above-referenced Administrative Order to extend the fish window for this project.

This amendment is issued under the provisions of Chapter 90.48 RCW and Chapter 173-201A WAC.

Administrative Order #5711 is hereby amended as follows:

**1. Condition F2 that reads:**

- F2. No in-water work shall occur between September 16 and June 30 of any year in which work is being conducted. Work in or near the water that may affect fish migration, spawning, or rearing shall cease immediately upon a determination by Ecology or WDFW that fisheries resources may be adversely affected.

**Is replaced with:**

- F2. No in-water work shall occur between October 16 and June 30 of any year in which work is being conducted. Work in or near the water that may affect fish migration, spawning, or rearing shall cease immediately upon a determination by Ecology that fisheries resources may be adversely affected.

No other conditions or requirements of the above-mentioned Order are affected by this Amendment. The Department of Ecology retains continuing jurisdiction to make modifications hereto through supplemental order, if it appears necessary to further protect the public interest.

Failure to comply with this amendment may result in the issuance of civil penalties or other actions whether administrative or judicial, to enforce the terms of this amendment.

## Appeal Process

You have a right to appeal this Amendment. To appeal this you must:

- File your appeal with the Pollution Control Hearings Board within 30 days of the “date of receipt” of this document. Filing means actual receipt by the Board during regular office hours.
- Serve your appeal on the Department of Ecology within 30 days of the “date of receipt” of this document. Service may be accomplished by any of the procedures identified in WAC 371-08-305(10). “Date of receipt” is defined at RCW 43.21B.001(2).

Be sure to do the following:

- Include a copy of this document that you are appealing with your Notice of Appeal.
- Serve and file your appeal in paper form; electronic copies are not accepted.

### 1. To file your appeal with the Pollution Control Hearings Board

Mail appeal to:

The Pollution Control Hearings Board  
PO Box 40903  
Olympia, WA 98504-0903

OR

Deliver your appeal in person to:

The Pollution Control Hearings Board  
4224 – 6th Ave SE Rowe Six, Bldg 2  
Lacey, WA 98503

### 2. To serve your appeal on the Department of Ecology

Mail appeal to:

The Department of Ecology  
Appeals Coordinator  
P.O. Box 47608  
Olympia, WA 98504-7608

OR

Deliver your appeal in person to:

The Department of Ecology  
Appeals Coordinator  
300 Desmond Dr SE  
Lacey, WA 98503

### 3. And send a copy of your appeal to:

Department of Ecology  
Northwest Regional Office  
Attn: Rebekah Padgett  
3190 160<sup>th</sup> Avenue SE  
Bellevue, WA 98008

For additional information visit the Environmental Hearings Office Website:  
<http://www.eho.wa.gov>

To find laws and agency rules visit the Washington State Legislature Website:  
<http://www1.leg.wa.gov/CodeReviser>

Your appeal alone will not stay the effectiveness of this Amendment. Stay requests must be submitted in accordance with RCW 43.21B.320. These procedures are consistent with Ch. 43.21B RCW.

Dated September 16, 2009 at Bellevue, Washington.



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Erik Stockdale, Unit Supervisor  
Northwest Regional Office  
Shorelands and Environmental Assistance Program  
Department of Ecology  
State of Washington